

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Tusla Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., c.s.t. on December 4, 1997. The location and time of the hearing will be arranged with those persons requesting the hearing. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

This rule is exempted from review by the Office of Management and Budget

(OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environment Policy Act

No environment impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic

impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Unfunded Mandates

OSM has determined and certifies pursuant to the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of \$100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 918

Intergovernmental relations, Surface mining, Underground mining.

Dated: November 7, 1997.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 97-30304 Filed 11-18-97; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-5925-2]

National Oil and Hazardous Substances; Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to delete Coalinga Asbestos Mine Site from the National Priorities List: request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region 9 announces its intent to delete the Coalinga Asbestos Mine Site from the National Priorities list (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the State of California Department of Toxic Substances Control have determined that all appropriate CERCLA response actions have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State have determined that remedial activities conducted at the site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning the proposed deletion of this Site from the

NPL may be submitted by December 19, 1997.

ADDRESSES: Comments may be mailed to: Keith Takata, Director, Superfund Programs, U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105.

Comprehensive information on this site is available through the EPA Region 9 public docket which is located at EPA Region 9's Superfund Records Center, at the address above, and is available for viewing between 8 a.m. and 5 p.m., Monday through Friday, excluding holidays. Additional information on the Coalinga Asbestos Mine Site is also available for viewing at the site repository located at: City of Coalinga Public Library, 305 North Fourth Street, Coalinga, CA 93210, (209) 935-1676.

FOR FURTHER INFORMATION CONTACT: Richard Procnier, U.S. Environmental Protection Agency Region 9, 75 Hawthorne Street, San Francisco, CA 94105, (415) 744-2219.

SUPPLEMENTARY INFORMATION:

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I. Introduction

The Environmental Protection Agency (EPA) Region 9 announces its intent to delete the Coalinga Asbestos Mine Site (EPA ID# CAD980817217), Coalinga, California, from the National Priorities List (NPL), Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR Part 300, and requests comments on this deletion. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of these sites. As described in 40 CFR 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions in the unlikely event that conditions at the site warrant such action.

EPA will accept comments on the proposal to delete this site for thirty days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Coalinga Asbestos Mine Site and explains how the site meets the deletion criteria.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that sites may be deleted from,

or recategorized on, the NPL when no further response is appropriate. In making a determination to delete a site from the NPL, EPA shall consider, in consultation with the State, whether any of the following criteria have been met:

- (i) Responsible parties or other parties have implemented all appropriate response actions required; or
- (ii) All appropriate response under CERCLA has been implemented and no further action by responsible parties is appropriate; or
- (iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment, and, therefore, taking of remedial measures is not appropriate.

Even if a site is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the site above levels that allow for unlimited use and unrestricted exposure, EPA's policy is that a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment. The Coalinga Asbestos Mine Site has two operable units: the City of Coalinga Operable Unit (City Unit) and the Coalinga Mine Site/ Johns-Manville Mill Operable Unit (JM Unit). The first five-year review for the City Unit was completed in April 1996. The first five-year review for the JM Unit is expected to be completed in late 1997. If new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Wherever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without the application of the Hazard Ranking System.

III. Deletion Procedures

The following procedures were used for the proposed deletion of this Site: (1) EPA Region 9 has recommended deletion and has prepared the relevant documents; (2) the State of California has concurred with the proposed deletion decision; (3) a notice has been published in the local newspaper and has been distributed to appropriate federal, state, and local officials and other interested parties announcing the commencement of a 30-day public comment period on EPA's Notice of Intent to Delete; and (4) all relevant documents have been made available for public review in the local Site information repository.

Deletion of the Site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for informational purposes and to assist

Agency management. As mentioned in section II of this document, section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions.

For deletion of this Site, EPA's Regional Office will accept and evaluate public comments on EPA's Notice of Intent to Delete before making a final decision to delete. If necessary, the Agency will prepare a Responsiveness Summary to address any significant public comments received.

A deletion occurs when the Regional Administrator places a final notice in the **Federal Register**. Generally, the NPL will reflect deletions in the final update following the Notice. Public notices and copies of the Responsiveness Summary, if one is prepared, will be made available to interested parties by the Regional Office.

IV. Basis for Intended Site Deletion

A. Unit Background

City Unit

The City of Coalinga Unit is privately owned and consists of approximately 107 acres of land situated between 4th Street and the intersection of Lucille Avenue and Highway 198 at the southwestern end of the City of Coalinga, Fresno County, California. The nearest population center is Coalinga (approximate population of 9850), located immediately to the northeast. The surrounding area is mixed use, consisting of industrial, agricultural, commercial and residential properties.

JM Unit

The JM Unit is a privately owned, 120-acre tract of land located in upper Pine Canyon on the southern flank of the Joaquin Ridge in the Diablo Range, western Fresno County, California. It is located approximately 1/2 mile down slope from the New Idria Formation, a 48-square mile outcrop margin of naturally occurring chrysotile asbestos. The nearest population center is Coalinga located about 16 miles to the southeast. Areas adjacent to the JM Unit are rural; land uses include mining, ranching, farming and recreation (camping, hunting, hiking, mineral collecting, and riding off-highway vehicles).

B. Site History

City Unit

The Southern Pacific Railroad property within the original 107-acre City Unit consisted partly of a portion of the original operating right-of-way acquired by Southern Pacific Railroad

Company (a predecessor of Southern Pacific Transportation Company) pursuant to the July 27, 1866 Act of Congress, and partly of ancillary lands acquired pursuant to the same Act patented July 10, 1894. During Southern Pacific's ownership, several properties were leased to various entities which were active in the milling, manufacture, storage and/or transportation of asbestos materials from the mid-1950's until approximately 1980.

JM Unit

The Southern Pacific Railroad acquired the property on which the JM Unit is located as part of a land grant under the 1871 Railway Act. In the mid-1950's researchers discovered that chrysotile asbestos from the New Idria Formation could be milled to yield a marketable short-fiber asbestos product. The Southern Pacific Land Company (SPLC) leased the JM Unit for a period of 25 years to the Coalinga Asbestos Company beginning about 1956. This joint venture, which was comprised of the Johns-Manville Corporation, Kern County Land Company, and private investors, operated an asbestos ore processing mill at the JM Unit from approximately 1962 through mid-1974. During this period, ore was processed from several nearby open pit mines, including the Jensen Mine and the Christy Pit. In November 1975, the Coalinga Asbestos Company assigned the lease to the Marmac Resource Company/Mareco, which used the property to conduct a chromite milling operation. Although all milling operations were believed to have ceased in October 1977, Marmac retained the lease until July 31, 1981. The current owner of the JM Unit is Pine Canyon Land Company, successor-in-interest to SPLC.

C. Site Discovery

In 1980, the Metropolitan Water District (MWD) of Southern California detected asbestos in water samples from the California Aqueduct. An extensive sampling program conducted along the Aqueduct in August and September of 1980 suggested that the area in which the JM Unit was located was, in part, a possible source of asbestos into the California Aqueduct. In addition, EPA sampled mill tailings at the JM Unit; analytical results obtained from using polarized light microscopy showed the tailings contained 20% to 40% asbestos.

During investigation of the Coalinga Asbestos Mine site and the nearby Atlas Mine site, EPA conducted an airborne asbestos sampling program in which high asbestos readings were measured in the City of Coalinga. Further

investigation revealed that asbestos had been transported from the mines and mills to storage areas within the City of Coalinga for handling and shipment. Soil sampling confirmed the presence of uncontrolled hot spots of asbestos and nickel contamination over a 107-acre area in the City of Coalinga.

The Site became the City of Coalinga Operable Unit of the Atlas Mine Site and the Johns-Manville Coalinga Asbestos Mill Site. It was divided into four areas: the Marmac Warehouse, the Storage Yard, the Atlas Shipping Yard, and the U.S. Asbestos Company. The northern end of the 107-acre site was connected to the Atlas Mine Site, while the southern end was connected to the Johns-Manville Mill Site. Although the cleanup could have proceeded as two separate Operable Units, EPA decided to combine it into one site cleanup, designated an operable unit for each of the two NPL Sites.

Risks posed by the JM Unit were evaluated using the Hazard Ranking System on June 14, 1983 and the JM Unit (designated the Coalinga Asbestos Mine Site) was proposed for placement on the National Priorities List on September 8, 1983. It was finalized on the NPL on September 21, 1984.

D. Remedial Investigation/Feasibility Study

City Unit

In August 1987, EPA issued an administrative order pursuant to CERCLA section 106 (Order 87-04) to Southern Pacific Transportation Company (SPTC) requiring it to conduct a Remedial Investigation at the City of Coalinga site. Soil sampling confirmed the presence of uncontrolled hot spots of asbestos and nickel contamination over a 107-acre area in the City of Coalinga. EPA ordered SPTC to prepare an Operable Unit Feasibility Study (OUFS) to develop and evaluate remedial alternatives for the site, which became the City of Coalinga Operable Unit of both the Coalinga Asbestos Mine Site and the Atlas Mine Site.

At the City of Coalinga Unit, Remedial Investigation/Feasibility Study (RI/FS) activities commenced in 1987 with the implementation of the Hazardous Substance Containment Plan and were completed in December 1988 with the completion of the FS. Implementation of the Hazardous Substance Containment Plan provided measures to initially stabilize the areas where asbestos had been documented by EPA. These measures included fencing and posting, dust suppression, and stabilization of building structures. Subsequently, a site sampling program was undertaken to

characterize the extent of asbestos present in soils in the area. In addition to soil sampling, air samples and groundwater samples were collected.

Upon completion of the site characterization, the FS was performed to evaluate remedial alternatives for the site. The FS evaluated a number of remedial alternatives for handling contaminated soils including no action, fencing, capping, soil stabilization, on-site disposal, chemical fixation, and off-site disposal. Onsite disposal of soils containing asbestos in an engineered waste management unit was the selected alternative.

JM Unit

At the JM Unit, RI/FS activities were initiated in 1985 and completed in 1990. The RI described site characterization activities and technical analyses, which included soil and surface water sampling, hydrologic and sediment transport modeling, geologic mapping, an ecological assessment and a cultural resources investigation. The location and configuration of asbestos-containing materials at the JM Unit were assessed using aerial photographs, field observations, and the collection and analysis of samples obtained from surface materials, exploratory borings, pits, and trenches. Geotechnical investigation activities included slope stability analyses, seismic engineering evaluations, and testing of site materials for permeability, moisture content, density, shear strength, and Atterberg Limits. A detailed off-site source characterization study was also performed.

E. ROD Findings and Remedial Activities

City Unit

After consideration of public comments, EPA issued a Record of Decision (ROD) for the City Unit on July 19, 1989. The ROD required the collection and on-site disposal of all asbestos ore waste and other mining waste material; decontamination of all buildings, structures and other equipment; regrading of excavated areas with clean material (containing less than or equal to one percent asbestos by Phased Light Microscopy (PLM)); a deed restriction on the area where the waste management unit would be constructed and maintained; and a long term operation and maintenance program to maintain the integrity of the waste management unit. Southern Pacific agreed to implement the selected remedy as defined in the ROD by entering into a Consent Decree with the EPA on July 27, 1989. The design report

presenting the technical specifications for the construction of the on-site asbestos waste management unit was approved by EPA on October 5, 1989.

Remedial action consisted of excavation of soils in areas where the site characterization study indicated the presence of asbestos greater than 1% by PLM. The soils were consolidated in an on-site waste management unit with a final capacity of 26,200 cubic yards. In addition, asbestos-containing materials within building structures such as transite panels, mining ore, and other debris were removed to the waste management unit. The building structures were then pressure washed. Excavated areas and buildings were sampled to verify that the action levels had been met. The excavated areas were regraded for proper drainage. The remedy was certified to be operational and functional as specified in the ROD and Consent Decree by the resident engineer supervising the work. The areas previously defined as contaminated were certified to be below the EPA cleanup level. Remedial construction activities commenced in June of 1990 and were completed in January 1992. EPA issued its certificate of completion in April 1992. Homes and a large retail store have been built on formerly contaminated land.

JM Unit

After consideration of public comments, EPA issued a Record of Decision (ROD) for the JM Unit on September 21, 1990. The remedial action selected in the ROD addressed the problem of the asbestos ore and asbestos mill tailings at the JM Unit in the context of a remote and largely rural area that is close to large amounts of naturally occurring asbestos. The ROD required grading of asbestos tailings; construction of a stream diversion to channel surface water away from the tailings pile; improvements to an existing sediment trapping dam; restricted access to disturbed areas within the mill area; a revegetation pilot study and revegetation if technically feasible; dismantling of an abandoned mill; improvements to the road through the Mill Area to suppress dust; a deed restriction to ensure preservation of the remedy; and visual inspections of the remedy. The responsible parties for the JM Unit agreed to implement the selected remedy as defined in the ROD by entering into a Consent Decree with the EPA on August 11, 1992.

A Remedial Design Work Plan (RDWP) for the JM Unit was submitted to EPA on February 25, 1993, which provided the overall management strategy for performing the design,

construction, operation and maintenance, and monitoring of the remedial action. The RDWP was approved by EPA on April 1, 1993. Other submittals approved by EPA included the 30% Design Package, the 90% Design Package, and the Final Design Package.

Remedial action at the JM Unit consisted of mill dismantling; regrading the tailings pile; cross-canyon stream diversion; improvements to an existing sediment trapping dam; access restrictions; deed restrictions; revegetation pilot study; revegetation and paving the access road. The remedy has been certified to be operational by the Supervising Engineer and is in compliance with the Consent Decree, the ROD, the approved final Remedial Design, the NCP, and ARARs. At the JM Unit, remedial action was started on May 17, 1993 and was completed prior to the pre-final inspection on April 28, 1994.

F. Community Relations Activities

Commencing in June 1987, EPA personnel met periodically with members of the Coalinga City Council. Several different persons designated by the City to be the Council's contact with EPA were kept informed about the investigation status. The Operable Unit Feasibility Study (OUFS) report was released for public comment on February 9, 1989. This document along with other site reports and the administrative record were made available to the public at an information repository established at the City of Coalinga Public Library.

The public comment period commenced on February 9, 1989 and closed on March 24, 1989. A public meeting was held on February 22, 1989 at the City Council Chambers. Prior to the beginning of the public comment period, EPA published a notice in the Fresno Bee and the Coalinga Weekly Courier. The notice briefly described the proposed plan and announced the public comment period and the public meeting. The notice also announced the availability of the proposed plan and the OUFS for review at the information repository. A fact sheet describing the proposed plan was delivered to the information repository. Copies of the fact sheet were mailed to the EPA general mailing list for the Atlas Mine and Johns-Manville Coalinga Mill Sites, which included approximately 300 members of the general public, elected officials and media representatives.

In July 1992 EPA issued Fact Sheets which were mailed to the general mailing list giving an update on clean-up activities in the Coalinga Area,

including the Atlas and Coalinga Asbestos Mines and the City of Coalinga Superfund sites. In June 1993, a newspaper advertisement was placed in the Coalinga Record to notify nearby residents of the initiation of remedial activities at the JM Unit and to collect names and addresses of parties interested in being placed on a mailing list for future information. Postage-paid, pre-addressed response cards were also sent to residents near the JM Unit to determine if the residents wished to be placed on the mailing list. In March 1997, EPA issued another Fact Sheet to the general mailing list.

G. Summary of Operation and Maintenance

Long-term operation and maintenance at each Unit is being performed under the direction of the relevant responsible party and oversight by the California Department of Toxic Substances Control. O&M activities for the City Unit currently include annual inspections for cap integrity, surface water ponding, fence integrity and repairs as necessary. There is also a provision for specific monitoring in the event of a natural disaster (100 year flood, catastrophic earthquake). The Operations and Maintenance Plan for the JM Unit is Appendix G of the Remedial Action Completion Report, dated January 10, 1995. O&M activities for the JM Unit include inspection of engineering systems, sediment removal, gate control, repairs, and reporting. There is also a provision for specific monitoring in the event of heavy rainfall or seismic activity of magnitude 5 or greater within 50 miles of the Site and a site caretaker. O&M activities for both Units are being conducted in accordance with the O&M Plans.

H. Protectiveness

The implemented remedies achieved the degree of cleanup and protection as described in the RODs for all pathways of exposure and no further Superfund response is needed to protect human health and the environment. Both units at the Site meet all the site completion requirements as specified in OSWER Directive 9320.2-09, Close-Out Procedures for National Priorities List Sites (Interim Final), August 1995. Long term operation and maintenance will be required to insure the integrity of controls constructed during the remedial actions. The remediation implemented at each Unit does not require any operational activities because of its permanent nature. Inspection activities, however, will be conducted. For the City Unit, maintenance activities may be required

for the cap and fence; for the JM Unit, maintenance activities may be required for stream diversions and sediment retention structures. For the City Unit, a deed restriction was recorded with the Recorder's Office, Fresno County, California, on June 22, 1990 which prohibited anyone in possession of the property from taking any actions that would interfere with the maintenance and operation of the waste management unit to be constructed pursuant to the Consent Decree. This deed restriction was amended upon completion of the remedial action to illustrate the exact placement and dimensions of the constructed waste management unit. For the JM Unit, a deed restriction recorded with the Recorder's Office, Fresno County, California, on July 2, 1993, prohibits anyone in possession of the property from taking actions that would interfere with the implementation of the remedy. Pursuant to CERCLA 121^c and as provided in OSWER Directive 9355.7-02, Structure and Components of Five-Year Reviews, May 23, 1991, OSWER Directive 9355.702A, Supplemental Five-Year Review Guidance, July 26, 1994, and Second Supplemental Five-Year Review Guidance, December 21, 1996, EPA must conduct a statutory five-year review.

One of the three criteria for deletion specified that EPA may delete a site from the NPL if "responsible parties or other parties have implemented all appropriate response actions required." EPA, with the concurrence of the California Department of Toxic Substances Control, believes that this criterion for deletion has been met. Consequently, EPA is proposing deletion of this Site from the NPL. Documents supporting this action are available at the EPA Region 9 NPL docket.

Dated: November 11, 1997.

Felicia Marcus,

Regional Administrator, Region 9.

[FR Doc. 97-30380 Filed 11-18-97; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-227, RM-9159]

Radio Broadcasting Services; Wasilla, AK

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of KMBQ Corporation, requesting the allotment of Channel 273C2 to Wasilla, Alaska, as that community's second local FM transmission service. Coordinates used for this proposal are 61-37-32 and 149-24-05.

DATES: Comments must be filed on or before December 22, 1997, and reply comments on or before January 6, 1998.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel as follows: John Wells King and Amelia Brown, Esqs., Haley, Bader & Potts, 4350 North Fairfax Drive, Suite 900, Arlington, VA 22203-1633.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-227, adopted October 22, 1997, and released October 31, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97-30286 Filed 11-18-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-224, RM-9177]

Radio Broadcasting Services; Monroe, UT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Charles D. Hall requesting the allotment of Channel 257C2 to Monroe, Utah, as the community's first local aural transmission service. Channel 257C2 can be allotted to Monroe in compliance with the Commission's minimum distance separation requirements with a site restriction of 1.3 kilometers (0.8 miles) south in order to avoid a short-spacing conflict with vacant Channel 256A at Levan, Utah. The coordinates for Channel 257C2 at Monroe are 38-37-21 NL and 112-07-29 WL.

DATES: Comments must be filed on or before December 22, 1997, and reply comments on or before January 6, 1998.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: James K. Edmundson, Gardner, Carton & Douglas, 1301 K Street, NW., Suite 900, East Tower, Washington, DC 20005 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-224, adopted October 22, 1997, and released October 31, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in